

Amendments to the Abstract

Please amend the Abstract as follows:

Abstract

~~Method~~ A method and marker element to determine the position of a prosthetic element (2) which is fixed to the jaw (13) of a person, such as a dental implant[[,]]. ~~whereby an~~ An image is formed of the jaw of a reproduction model of this jaw which is provided with the prosthetic element (2), by means of X-rays or magnetic resonance. At least one marker element (3) is ~~hereby then~~ provided to said on the prosthetic element (2) which produces a strong contrast in imaging techniques. The position of the marker is then formed ~~by means of~~ X-rays or ~~via~~ by magnetic resonance, and the position of ~~said the~~ prosthetic element (2) is then derived from the observed position of the marker element (3).

Attachment: Replacement Abstract

REMARKS

The Official Action of May 15, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1-10 and 15-21, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

New claims 17-21 have been added. Claims 1-10 and 15-21 remain in the application for consideration.

As the Examiner will note, Applicant has amended the specification so as to include section headings similar to those identified by the Examiner.

In response to the Examiner's objection to the abstract, claims and rejection of the claims under 35 U.S.C. §112, second paragraph, Applicant has amended the abstract and claims to eliminate each of the problems identified by the Examiner therein. Applicant has assumed with regard to the Examiner's comments in paragraph 10 of the Office Action regarding "pixels" that the Examiner was noting that "pixels" had insufficient antecedent basis in the claims rather than in the specification, as "pixels" is clearly referenced on page 5, line 16 of the specification. Accordingly, as the Examiner will note, claim 5 has been amended to provide an antecedent basis for "pixels".

Applicant respectfully submits that the Examiner's objection to the abstract and claims and rejection of the claims under 35 U.S.C. §112 has now been overcome.

The Examiner has rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Hattori '258. Applicant respectfully traverses this rejection as applied to claim 1 as amended and the claims dependent therefrom.

Hattori discloses a method and device for determining the position and direction of drilling to place an implant into a jaw prior to the fixing of the implant into the jawbone.

The method according to the invention of the current patent application aims to determine the position and orientation of an implant that has already been fixed into the jawbone by making use of an accessory that has a marker element.

The method disclosed by Hattori provides for a procedure that is performed before fixing of the implant into the jawbone, whereas the method of the current application is applied to an implant that has already been fixed into the jawbone.

Applicant respectfully submits that Hattori does not disclose a marker element fixed to a free end of an implant and does not disclose that an image of the jaw with the implant and the marker element is generated.

Applicant notes in this respect that Figure 8 of Hattori is a simulate view showing a simulated state in which a position and a direction of drilling is determined for placing an implant. The rectangle indicated by reference numeral 5 thus only indicates the simulated position of the implant and not the implant itself. Figure 8 of Hattori does not disclose that a marker element is fixed onto an implant.

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Hattori further does not disclose the claimed support with a marker element set out in claim 15. This support with a marker element and means, comprising a securing pin, for fixing it to the implant in a detachable way is not described or represented by Hattori.

Applicant respectfully submits that the claimed invention patentably defines over the cited prior art on the basis of the differences identified above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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